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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of  
themselves and all others similarly situated,

## Plaintiffs,

V.

META PLATFORMS, INC.

## Defendant

**Consolidated Case No. 3:20-cv-08570-JD**

The Hon. James Donato

**ADVERTISER PLAINTIFFS' REQUEST  
FOR ADMINISTRATIVE RELIEF TO  
CONSIDER ADVERTISER PLAINTIFFS'  
CORRECTED REPLY IN SUPPORT OF  
THEIR MOTION FOR CLASS  
CERTIFICATION**

1 Pursuant to Civil Local Rule 7-11, Advertiser Plaintiffs Affilius, Inc., Jessyca Frederick,  
 2 Mark Berney, 406 Property Services, PLLC, Mark Young, and Katherine Looper (“Advertiser  
 3 Plaintiffs”) submit this administrative request that the Court consider the corrected Advertiser  
 4 Plaintiffs’ Reply in Support of Their Motion for Class Certification, filed at ECF No. 700, in place of  
 5 the original Advertiser Plaintiffs’ Reply in Support of Their Motion for Class Certification, which  
 6 was filed in error at ECF No. 689.

7 **BASIS FOR REQUESTED RELIEF**

8 Advertiser Plaintiffs conferred with Defendant Meta, who takes no position as to this Request  
 9 for Administrative Relief. *See* Supporting Declaration of Amanda F. Lawrence, filed concurrently  
 10 herewith (“Lawrence Decl.”), ¶2.

11 This Request for Administrative Relief is based on the following:

12 1. Advertiser Plaintiffs’ Motion for Class Certification (ECF No. 642) (the “Motion”)  
 13 will be heard December 14, 2023 at 10:00 a.m. PT.

14 2. Pursuant to the operative scheduling order, Advertiser Plaintiffs’ reply brief in support  
 15 of the Motion was due Friday, November 3, 2023. *See* ECF No. 379.

16 3. On Friday, November 3, 2023, Advertiser Plaintiffs timely filed their original  
 17 Advertiser Plaintiffs’ Reply in Support of Their Motion for Class Certification. *See* ECF No. 689.

18 4. However, due to human error in the version control process, an incorrect version of  
 19 Advertiser Plaintiffs’ Reply in Support of Their Motion for Class Certification was filed at ECF No.  
 20 689. Lawrence Decl., ¶3.

21 5. Advertiser Plaintiffs discovered this error early in the morning of Saturday, November  
 22 4, 2023. Lawrence Decl., ¶4.

23 6. Advertiser Plaintiffs immediately and diligently took action to rectify the filing error,  
 24 including by informing Meta of the error and providing Meta with the correct version of the Motion  
 25 and a redline to the erroneously-filed version, shortly after 10:00 a.m. PT on Saturday, November 4,  
 26 2023. Lawrence Decl., ¶5.

27 7. Advertiser Plaintiffs then filed the correct version of the Motion shortly after 11:00  
 28

1 a.m. PT on Saturday, November 4, 2023. Lawrence Decl., ¶6.

2       8. Advertiser Plaintiffs ask that, for purposes of deciding Advertisers' Motion for Class  
 3 Certification, the Court consider the corrected Reply in Support of Their Motion for Class  
 4 Certification, ECF No. 700, in place of the erroneously-filed Reply in Support of Their Motion for  
 5 Class Certification, ECF No. 689.

6       9. Good cause exists for the Court to grant the relief sought by Advertiser Plaintiffs. The  
 7 record demonstrates that ECF No. 689 was filed erroneously due to inadvertent error and Advertiser  
 8 Plaintiffs worked diligently to remedy the error shortly after it was made.

9       Further, Defendant Meta was not prejudiced by the late filing. Given that ECF Nos. 689 and  
 10 700 are reply briefs, this Court's Standing Order for Civil Cases Before Judge James Donato applies.  
 11 The Standing Order provides that Meta is not permitted a sur-reply, and the class certification hearing  
 12 is not scheduled to occur until December 14, 2023. *Id.*, ¶15. Meta was thus not prejudiced procedurally  
 13 by its receipt of the corrected Reply 10 hours after the due date.

14  
 15 Dated: November 15, 2023

Respectfully submitted,

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## **FILER ATTESTATION**

I am the ECF user who is filing this document. Pursuant to Civil L.R. 5-1(h)(3), I hereby attest that each of the other signatories have concurred in the filing of the document.

Dated: November 15, 2023

By: */s/Amanda F. Lawrence*  
Amanda F. Lawrence

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2023, I caused a true and correct copy of the foregoing document to be served by electronic mail on all counsel of record.

Dated: November 15, 2023

By: /s/Amanda F. Lawrence  
Amanda F. Lawrence